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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: PDC DEPUTY

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Attorneys for Plaintiff
I-FLOW CORPORATION

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

'08 CV 0057 JAH WMc

I-FLOW CORPORATION, a Delaware corporation, Plaintiff, v. ZONE MEDICAL, LLC, a California limited liability company, Defendant.	Civil Action No. **COMPLAINT FOR PATENT INFRINGEMENT** **DEMAND FOR JURY TRIAL**

CR

Plaintiff I-Flow Corporation ("I-FLOW") hereby complains of Defendant Zone Medical, LLC ("Defendant" or "ZONE"), and alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the Patent Laws of the United States, Title 35 of the United States Code.

2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

3. Venue is proper in this Judicial District under 28 U.S.C. §§ 1391 and 1400(b).

THE PARTIES

4. Plaintiff I-FLOW is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 20202 Windrow Drive, Lake Forest, CA 92630.

5. I-FLOW is informed and believes, and thereon alleges, that Defendant ZONE is a limited liability company organized and existing under the laws of the State of California, having a place of business in this District at 10064 Mesa Ridge Court, Suite 200, San Diego, CA 92121.

6. I-FLOW is informed and believes, and thereon alleges, that Defendant ZONE conducts business throughout the United States, including in this Judicial District, and has committed the acts complained of in this Judicial District and elsewhere.

ALLEGATIONS FOR ALL CLAIMS FOR RELIEF

7. On February 8, 1994, the U.S. Patent and Trademark Office ("PTO") duly and lawfully issued U.S. Patent No. 5,284,481 entitled "Compact Collapsible Infusion Apparatus" (the "'481 patent"). I-FLOW is the owner by assignment of the '481 patent. A copy of the '481 patent is attached hereto as Exhibit A.

8. I-FLOW is informed and believes, and thereon alleges, that the SOLACE™ Post-Operative Pain Relief Infusion System, marketed by Defendant Zone, includes an infusion pump (the "SOLACE™ Infusion Pump") that is covered by the '481 patent.

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9. I-FLOW is informed and believes, and thereon alleges, that Defendant, through its agents, employees and servants, has infringed I-FLOW'S patent rights through Defendant's making, using, selling, importing and/or offering to sell infusion pumps such as the SOLACE™ Infusion Pump. Furthermore, I-FLOW is informed and believes, and thereon alleges, that this infringement has been willful.

10. I-FLOW is informed and believes, and on that basis alleges, that Defendant sells and offers for sale pain management devices, including, but not limited to, the SOLACE™ Post-Operative Pain Relief Infusion System.

11. By the aforesaid acts of Defendant, I-FLOW has been greatly damaged, and will continue to be irreparably damaged unless Defendant is enjoined by the Court.

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 5,284,481)

12. I-FLOW repeats, realleges, and incorporates by reference the allegations set forth in paragraphs 1 through 11 of this Complaint.

13. This is a claim for patent infringement and arises under the Patent Laws of the United States, Title 35 of the United States Code.

14. I-FLOW is informed and believes, and thereon alleges, that Defendant, through its agents, employees and servants, has been and is currently willfully and intentionally infringing the '481 patent by making, using, selling, importing and/or offering to sell infusion pumps, such as the SOLACE™ Infusion Pump, that are covered by at least one claim of the '481 patent. Defendant's acts constitute infringement of the '481 patent in violation of 35 U.S.C. § 271.

15. I-FLOW is informed and believes, and thereon alleges, that Defendant's infringement will continue unless enjoined by this Court.

16. I-FLOW is informed and believes, and thereon alleges, that Defendant has derived and received, and will continue to derive and receive, gains, profits and advantages from the aforesaid acts of infringement in an amount that is not presently known to I-FLOW. By reason of the aforesaid infringing acts, I-FLOW has been damaged and is entitled to monetary relief in an amount to be determined at trial.

17. Because of the aforesaid infringing acts, I-FLOW has suffered and continues to suffer great and irreparable injury, for which I-FLOW has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, I-FLOW prays for judgment in its favor against Defendant for the following relief:

A. An Order adjudging Defendant to have willfully infringed the '481 patent under 35 U.S.C. § 271;

B. An injunction enjoining Defendant, its officers, directors, agents, servants, employees and attorneys, and those persons in active concert or participation with Defendant, from directly or indirectly infringing the '481 patent in violation of 35 U.S.C. § 271;

C. That Defendant account for all gains, profits, and advantages derived by Defendant's infringement of the '481 patent in violation of 35 U.S.C. § 271, and that Defendant pay to I-FLOW all damages suffered by I-FLOW since at least February 8, 1994;

D. An Order for a trebling of damages and/or exemplary damages because of Defendant's willful conduct pursuant to 35 U.S.C. § 284;

E. An Order adjudging that this is an exceptional case;

F. An award to I-FLOW of the attorneys' fees and costs incurred by I-FLOW in connection with this action pursuant to 35 U.S.C. § 285;

G. An award of pre-judgment and post-judgment interest and costs of this action against Defendant; and

H. Such other and further relief as this Court may deem just.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 10, 2008

By: ______________________

Steven J. Nataupsky
Boris Zelkind
Ali S. Razai

Attorneys for Plaintiff
I-FLOW CORPORATION

DEMAND FOR TRIAL BY JURY

I-FLOW CORPORATION hereby demands a trial by jury on all issues so triable.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 10, 2008

By:________________________________

Steven J. Nataupsky
Boris Zelkind
Ali S. Razai

Attorneys for Plaintiff
I-FLOW CORPORATION

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JS 44
(Rev. 07/89)

CIVIL COVER SHEET

ORIGINAL

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
I-Flow Corporation, a Delaware corporation

DEFENDANTS
Zone Medical LLC, a California limited liability company

FILED
08 JAN 10 PM 2:15
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Orange
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT San Diego
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Steven Nataupsky, Boris Zelkind, Ali Razai
Knobbe, Martens, Olson & Bear LLP
550 West C Street, Suite 1200
San Diego CA 92101
619-235-8550

ATTORNEYS (IF KNOWN)
Unknown

'08 CV 0057 JAH WMc

II. BASIS OF JURISDICTION (PLACE AN 'X' IN ONE BOX ONLY)

- [ ] 1 U.S. Government Plaintiff
- [X] 3 Federal Question (U.S. Government Not a Party)
- [ ] 2 U.S. Government Defendant
- [ ] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN 'X' IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	[ ] 1	[ ] 1	Incorporated or Principal Place of Business in This State	[ ] 4	[ ] 4
Citizen of Another State	[ ] 2	[ ] 2	Incorporated and Principal Place of Business in Another State	[ ] 5	[ ] 5
Citizen or Subject of a Foreign Country	[ ] 3	[ ] 3	Foreign Nation	[ ] 6	[ ] 6

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)
The complaint for patent infringement arises out of the patent laws of the United States Code, specifically Title 35, Section 271(a)-(c) and 281.

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT
- [ ] 110 Insurance
- [ ] 120 Marine
- [ ] 130 Miller Act
- [ ] 140 Negotiable Instrument
- [ ] 150 Recovery of Overpayment & Enforcement of Judgment
- [ ] 151 Medicare Act
- [ ] 152 Recovery of Defaulted Student Loans (Excl. Veterans)
- [ ] 153 Recovery of Overpayment of Veteran's Benefits
- [ ] 160 Stockholders' Suits
- [ ] 190 Other Contract
- [ ] 195 Contract Product Liability

REAL PROPERTY
- [ ] 210 Land Condemnation
- [ ] 220 Foreclosure
- [ ] 230 Rent Lease & Ejectment
- [ ] 240 Torts to Land
- [ ] 245 Tort Product Liability
- [ ] 290 All Other Real Property

TORTS

PERSONAL INJURY
- [ ] 310 Airplane
- [ ] 315 Airplane Product Liability
- [ ] 320 Assault, Libel & Slander
- [ ] 330 Federal Employers' Liability
- [ ] 340 Marine
- [ ] 345 Marine Product Liability
- [ ] 350 Motor Vehicle
- [ ] 355 Motor Vehicle Product Liability
- [ ] 360 Other Personal Injury

PERSONAL INJURY
- [ ] 362 Personal Injury - Medical Malpractice
- [ ] 365 Personal Injury - Product Liability
- [ ] 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- [ ] 370 Other Fraud
- [ ] 371 Truth in Lending
- [ ] 380 Other Personal Property Damage
- [ ] 385 Property Damage Product Liability

CIVIL RIGHTS
- [ ] 441 Voting
- [ ] 442 Employment
- [ ] 443 Housing/ Accommodations
- [ ] 444 Welfare
- [ ] 440 Other Civil Rights

PRISONER PETITIONS
- [ ] 510 Motion to Vacate Sentence

HABEAS CORPUS:
- [ ] 530 General
- [ ] 535 Death Penalty
- [ ] 540 Mandamus & Other
- [ ] 550 Civil Rights
- [ ] 555 Prison Conditions

FORFEITURE/PENALTY
- [ ] 610 Agriculture
- [ ] 620 Other Food & Drug
- [ ] 625 Drug Related Seizure of Property 21 USC 881
- [ ] 630 Liquor Laws
- [ ] 640 R.R. & Truck
- [ ] 650 Airline Regs.
- [ ] 660 Occupational Safety/Health
- [ ] 690 Other

LABOR
- [ ] 710 Fair Labor Standards Act
- [ ] 720 Labor/Mgmt Relations
- [ ] 730 Labor/Mgmt Reporting & Disclosure Act
- [ ] 740 Railway Labor Act
- [ ] 790 Other Labor Litigation
- [ ] 791 Empl. Ret. Inc. Security Act

BANKRUPTCY
- [ ] 422 Appeal 28 USC 158
- [ ] 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- [ ] 820 Copyrights
- [X] 830 Patent
- [ ] 840 Trademark

SOCIAL SECURITY
- [ ] 861 HIA (13958)
- [ ] 862 Black Lung (923)
- [ ] 863 DIWC/DIWW (405(g))
- [ ] 864 SSID Title XVI
- [ ] 865 RSI (405(g))

FEDERAL TAX SUITS
- [ ] 870 Taxes (U.S. Plaintiff or Defendant)
- [ ] 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- [ ] 400 State Reappointment
- [ ] 410 Antitrust
- [ ] 430 Banks and Banking
- [ ] 450 Commerce/ICC Rates/etc.
- [ ] 460 Deportation
- [ ] 470 Racketeer Influenced and Corrupt Organizations
- [ ] 810 Selective Service
- [ ] 850 Securities/Commodities/ Exchange
- [ ] 875 Customer Challenge 12 USC 3410
- [ ] 891 Agricultural Acts
- [ ] 892 Economic Stabilization Act
- [ ] 893 Environmental Matters
- [ ] 894 Energy Allocation Act
- [ ] 895 Freedom of Information Act
- [ ] 900 Appeal of Fee Determination Under Equal Access to Justice
- [ ] 950 Constitutionality of State Statutes
- [ ] 890 Other Statutory Actions

VI. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
- [X] 1 Original Proceeding
- [ ] 2 Removal from State Court
- [ ] 3 Remanded from Appellate Court
- [ ] 4 Reinstated or Reopened
- [ ] 5 Transferred from another district (specify)
- [ ] 6 Multidistrict Litigation
- [ ] 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:
[ ] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] YES [ ] NO

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE Dana M. Sabraw Docket Number 01cv1200 DMS (NLS)

DATE 1-10-2008 SIGNATURE OF ATTORNEY OF RECORD

#146298 1/10/08

::ODMA\PCDOCS\WORDPERFECT\22816\1 January 24, 2000 (3:10pm)

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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

# 146298 - SR
*** * C O P Y * ***
January 10, 2008
14:15:38

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USAO #.: 08CV0057 CIV. FIL.
Judge..: JOHN A HOUSTON
Amount.: $350.00 CK
Check#.: BC#10796

Total-> $350.00

FROM: FLOW CORP. V. ZONE MEDICAL
CIVIL FILING